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JUL 25 2019

City of Tehachapi

Kern County

GRAND JURY



2019-2020

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Richard J. Benson

Donalda Biscar

Jason Browder

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July 22, 2019

Greg Garrett, City Manager  
City of Tehachapi  
115 South Robinson Street  
Tehachapi, CA 93561

Dear Mr. Garrett:

The 2018-2019 Kern County Grand Jury released a Final Report on the **City of Tehachapi – We Value Who We Are**. A copy of the report was transmitted to your office on **February 25, 2019**.

Pursuant to Penal Code §933, you are required to respond to the Facts and Findings cited in the published report. This response was due on **June 1, 2019**. I have enclosed an excerpt of this particular Penal Code to further aid in your response, along with a copy of the Final Report. Please send your response no later than **August 5, 2019**.

Please forward a copy of your response to:

The Honorable Judith K. Dulcich, Presiding Judge  
Kern County Superior Court  
1415 Truxtun Avenue, Suite 212  
Bakersfield, CA 93301

Cc: Kern County Grand Jury, Foreperson  
1415 Truxtun Avenue, Suite 600  
Bakersfield, CA 93301

Respectfully,

Jerry D. Troxel, Foreperson  
2019 -2020 Kern County Grand Jury

Enclosure: Excerpt 933 and 933.05

### **§933. Findings and Recommendations (Excerpt)**

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every election county officer or agency head for which the grand jury has responsibility pursuant to section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file those offices.

As used in this section "agency" includes a department

#### **§933.05. Responses to Findings (Excerpt)**

- (a) For purposes of subdivision (b) of Section 933, as to **each** grand jury **finding**, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding.
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
  
- (b) For purposes of subdivision (b) of Section 933, as to **each** grand jury **recommendation**, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
  
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
  
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

# **CITY OF TEHACHAPI**

## **“We Value Who We Are”**

### **PREFACE:**

The City of Tehachapi (Tehachapi) was last reviewed by the 2016-2017 Kern County Grand Jury. Since then, Tehachapi has upgraded many aspects of its infrastructure and transitioned to district based city representation.

Tehachapi prides itself in being fiscally responsible. City Officials state, “We try to run the city like a private business.” “We live within our means.” “We value who we are.”

### **PURPOSE OF INQUIRY:**

The Cities and Joint Powers Committee (Committee) of the 2018-2019 Kern County Grand Jury (Grand Jury) conducted an inquiry into the operation and management of Tehachapi pursuant to California Penal Code §925(a).

### **PROCESS:**

The Committee visited Tehachapi on November 27, 2018. The Committee met with the City Manager and several City Officials at Tehachapi City Hall, 115 South Robinson Street, Tehachapi, CA 93561. The Committee also read past Grand Jury reports, researched the internet and reviewed newspaper articles.

### **BACKGROUND:**

Tehachapi sits at an elevation of 3,970 feet with a local area of 10 square miles and a population of approximately 14,414 (2010 census). In 1909 Tehachapi was incorporated, and in 1946, through an act of the State Legislature, the city was officially named Tehachapi.

When the name Tehachapi is mentioned many things come to mind; The Land of Four Seasons, the Tehachapi Loop, the State Prison, the original Southern Pacific Railroad Depot, and the GranFondo cycling race, to name a few. City Officials, however, would like Tehachapi to be known for being a well-run and well-managed city.

- A. Tehachapi employs 77 full-time and part-time employees.
- B. In 2016, the Tehachapi Police Department established its own Communication Center. As of November 2018, the Communication Center has received and dispatched over 11,000 calls for emergency and non-emergency service. The Communication Center also takes after hour Public Works calls.

- C. The Tehachapi Police Department is staffed with the following:
- Chief of Police
  - One Lieutenant
  - Three Sergeants
  - Thirteen Patrol Officers
  - Six Police Technicians/Dispatchers
  - One part-time Code Enforcement Officer
- D. Tehachapi operates “in the black” and City Officials expect to be debt free in two to five years.
- E. Tehachapi operates a Federal Passport Processing Center. As of November 2018, approximately 1,060 passports have been processed.
- F. Tehachapi maintains 10 city owned buildings.
- G. Tehachapi maintains the landscaping at nine parks and plazas.
- H. Tehachapi maintains approximately 100 vehicles including backhoes, dump trucks, street sweepers and lawn tractors.

## **FINDINGS:**

- F1. In 2017, Tehachapi received a letter threatening legal action from a law firm claiming to represent minority groups that may have been disenfranchised and underrepresented per the California Voter Rights Act. Because of this, City Officials initiated the process of transitioning city representation from “at large” to “district based” representation.
- F2. On September 5, 2017, a public hearing was held and Tehachapi adopted a resolution outlining the city’s intent to transition to district based city representation.
- F3. Tehachapi held additional public hearings on September 18, October 9, October 12, and November 20, 2017. On December 4, 2017, Tehachapi adopted the Ordinance to Elect Council Member by Districts, which went into effect January 3, 2018.
- F4. The total cost to transition to district based representation was \$83,809 (not including staff time).
- F5. On November 6, 2018, three District City Council Members were elected. City Officials stated the districting transition will be completed by 2020.

- F6. The Tehachapi airport is in the process of several renovations funded by an initial FAA Grant of \$190,384 and city matching funds. City Officials will request additional funding as the project progresses. This project includes:
- The taxiway reconstruction and relocation, which will shift the taxiway location to meet new federal design standards. This will also include grading to enhance infield drainage and erosion control.
  - The Design Phase will begin in 2019. Phase 1 Construction is anticipated to begin in 2021. Phase 2 is anticipated to begin in 2022.
- F7. Tehachapi contracted with Verizon for a cellphone tower lease, which produces additional annual airport income of \$27,000.
- F8. Private development at the airport includes the current construction of two T-hangers and the possibility of the construction of a third T-hanger.
- F9. Tehachapi has developed an airport Hangar Use/Inspection Policy to insure compliance with FAA policies, and grant assurances, which state, "All hangars must be used for aeronautical purposes only." City Council adoption is pending.
- F10. In 2018, 156 new business licenses were issued by Tehachapi, bringing the total active business licenses to 1,060.
- F11. Construction projects underway or completed in 2018:
- Flying J Travel Center
  - Walmart
  - World Wind & Solar Headquarters
  - Kern County Library
  - Stray Leaves Wine Tasting Room
  - Industrial Parkway Improvements
- F12. City Officials are concerned about "retail leakage." This occurs when retail tax dollars leave Tehachapi when residents travel to shop in other cities.
- F13. To combat retail leakage, City Officials attended the International Council of Shopping Centers Conference (ICSC) in Las Vegas and the ICSC Los Angeles Deal Making Conference and met with potential corporate partners and local developers.
- F14. City Officials explained that Tehachapi has an official "city boundary" and an "urban growth boundary." To be considered for annexation, an entity must be located within the urban growth boundary.

- F15. Completed capital improvements and upgrades as of year-end 2018:
- Challenger Drive Extension Project
  - Tehachapi Boulevard Rehabilitation Project Phase II
  - Freedom Plaza & Visitor Center Project
  - Snyder Well Intertie Project
  - Pinon & Curry Street Safe Routes to School Project
  - Curry Street & Valley Boulevard Cross-gutter Removal Project
  - Tehachapi Boulevard Improvements Project Phase III
  - Tehachapi Boulevard Rehabilitation Project Phase III
  - Highway Safety Improvement Program-East Tehachapi Traffic Improvements Project
  - Valley Boulevard Bikeway Facilities Project Phase II
  - Safe Route to Schools Closure Project
  - Tucker Road Rehabilitation Project
  - Surface Seal of Various Roads Projects
  - Northside Neighborhood Sidewalk Project
  - Tehachapi Boulevard Bike Path Project
  - Updated Tehachapi website
  - A new computer server was implemented with two backup systems placed in different locations around the city and one system located out of state
  - Security cameras with video monitoring were installed in city buildings, the airport and the police department
  - All Departments have been supplied with new iPads and laptops
- F16. In November 2018, Adventist Health opened a new 72,000 square foot hospital, which includes 20 Med-Surge beds, 13 ER beds and a helipad.
- F17. City Officials stated that between 2016 and 2017 Tehachapi had a 34% reduction in crime, however, as of November 2018, crime was up 22%. City Officials state this is probably due to the California voters passing Prop 47 and Prop 57. Prop 47 re-categorized some non-violent offenses to misdemeanors rather than felonies. Prop 57 allows parole considerations for non-violent offenders, reclassified sentencing laws for minors and authorizes sentencing credits for rehabilitation, good behavior and education. City Officials reported the following crime information:
- Calls for service 11,136
  - Officer initiated incidents 6,938
  - Criminal vehicular accidents 52
  - Felonies 567
  - Misdemeanors 1,058

## **COMMENTS:**

The 2018-2019 Kern County Grand Jury would like to thank the City of Tehachapi for their courtesy and cooperation.

## **RECOMMENDATIONS:**

- R1. City Officials should continue to look into additional ways to curb rising crime.  
(Finding 17)

## **NOTES:**

- The City of Tehachapi should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: [www.kerncounty.com/grandjury](http://www.kerncounty.com/grandjury).
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: [www.kerncounty.com/grandjury](http://www.kerncounty.com/grandjury).

## **RESPONSE REQUIRED WITHIN 90 DAYS TO:**

**PRESIDING JUDGE  
KERN COUNTY SUPERIOR COURT  
1415 TRUXTUN AVENUE, SUITE 212  
BAKERSFIELD, CA 93301**

**CC: FOREPERSON  
KERN COUNTY GRAND JURY  
1415 TRUXTUN AVENUE, SUITE 600  
BAKERSFIELD, CA 93301**